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Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

Repertory of Practice of United Nations Organs and the *Repertoire of the Practice of the Security Council*

Report of the Secretary-General

Summary

In conformity with General Assembly resolution 59/44 of 2 December 2004, the present report outlines the progress made by the Secretariat in 2005 in updating the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*. The Assembly is invited, in paragraphs 14 and 21 of the present report, to take action in the light of the conclusions drawn in sections II.F and III.D of the present report.

* A/60/150.

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I. Introduction

1. The present report has been prepared pursuant to General Assembly resolution 59/44 of 2 December 2004. In paragraph 8 of the resolution, the Assembly endorsed the efforts of the Secretary-General to eliminate the backlog in the publication of the *Repertoire of the Practice of the Security Council*. In paragraph 9 of the same resolution, the Assembly requested the Secretary-General to establish a trust fund to eliminate the backlog of the *Repertory of Practice of United Nations Organs*, which would accept voluntary contributions by States, private institutions and individuals. In paragraph 10, the Assembly also requested the Secretary-General to continue his efforts, within the level of the currently approved budget, towards making available electronically all versions of the *Repertory* as early as possible, and in paragraph 11, to submit a report on both the *Repertory* and the *Repertoire* to the Assembly at its sixtieth session.

II. *Repertory of Practice of United Nations Organs*

A. Preparation of Supplements to the *Repertory of Practice of United Nations Organs*

2. In 2005 the Secretariat completed volume I of Supplement No. 7 (1985-1988). It is currently under review and is expected to be submitted for publication and translation later in the year. Volume I of Supplement No. 8 (1989-1994) is near completion. Eight other volumes are in different stages of preparation. Little or no progress has been made on the five remaining volumes.

3. Advance versions of several studies on individual Articles of the Charter of the United Nations which have been finalized are available on the website for the *Repertory* (http://www.un.org/law/repertory/), awaiting completion of the respective volumes. Those studies pertain to Articles 56, 62(2) and 66(2) of volume IV, Supplement No. 8 (1989-1994); Articles 57, 58, 63 and 64 of volume IV, Supplement No. 9 (1995-1999); and Articles 98 (part), 102, 108 and 109 of volume VI, Supplement No. 9. Various other studies on individual Articles, in particular with regard to volumes I, IV and VI of Supplements 8 and 9, are in their final stages of preparation.

4. Annex I sets out the responsibilities of individual Secretariat units for the preparation of *Repertory* studies on individual provisions of the Charter of the United Nations. Annex II sets out the responsibilities of individual Secretariat units for the coordination of the preparation of *Repertory* volumes.

5. Several departments made use of interns for research and collection of material in view of the preparation of studies. The Office of Legal Affairs has also used externs from Columbia University to conduct research for studies on Articles of volume I.

B. Availability of *Repertory* studies on the Internet

6. Currently, studies from 29 complete volumes, including the five volumes in processing for publication as well as studies on individual Articles of the Charter of

the United Nations from 10 volumes not yet complete are accessible to the users on the United Nations website for the *Repertory*.

7. Currently, those studies on the Internet are all available in English. A number of them are also available in French and Spanish. The Secretariat will continue to make available electronically all three language versions of finalized *Repertory* studies as early as possible.

C. Publication of volumes in language versions

8. Volume V of Supplement No. 6 in French was published by the end of 2004. Volume II of Supplement No. 6 is expected to be issued in English, French and Spanish in the second half of 2005; the Spanish version of volume III of Supplement No. 6 in September 2005; the French version of volume IV of Supplement No. 6 in August 2005; the English version of volume V of Supplement No. 7 in December 2005; and the Spanish version of volume VI of Supplement No. 7 is also expected to be issued in December 2005.[1]

D. Funding

9. In accordance with paragraph 9 of General Assembly resolution 59/44, a Trust Fund has been established to eliminate the backlog of the *Repertory*. A note verbale has been sent to all Permanent Missions of the United Nations advising them of the establishment of the Trust Fund and of the possibility to make voluntary contributions. Moreover, Governments were requested to bring the question of funding for the *Repertory* to the attention of private institutions and individuals who might be able to assist in that regard. No funds have been received so far for the Trust Fund.

10. In paragraph 68 of its 2005 report,[2] the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization recommended, with respect to the *Repertory*, that the General Assembly encourage:

(a) Voluntary contributions to the Trust Fund for the elimination of the backlog on the *Repertory*;

(b) The sponsoring, on a voluntary basis, and with no cost to the United Nations, of associate experts to assist in the preparation of the studies of the *Repertory*;

(c) The Secretary-General to enhance cooperation with academic institutions and the use of the internship programme for the preparation of studies of the *Repertory*.

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[1] It should be noted that these dates are tentative and subject to change.

[2] *Official Records of the General Assembly, Sixtieth Session, Supplement No. 33* (A/60/33).

E. Interdepartmental Committee on Charter Repertory

11. The Interdepartmental Committee on Charter Repertory decided, in view of financial constraints, to elaborate a new concept for the *Repertory* studies starting with Supplement No. 9. Studies should be streamlined and focus on the decisions and practices relevant for the interpretation of the Charter.

12. The Committee also decided that the author office should focus on the preparation of studies belonging to the latest reviewable Supplement (currently Supplement No. 9) while backlogged studies would depend on the resources of the Trust Fund and availability of temporary assistance. It was also decided that the finalization of those backlogged studies which are almost completed should be given priority to enable their placement on the *Repertory* website as soon as possible.

13. Taking into account progress made in the elimination of the backlog, the Committee also envisaged the possibility of a reassignment of studies among departments with a view to their more efficient and timely preparation.

F. Conclusions

14. **With respect to the *Repertory*, in the light of the above, the General Assembly may wish:**

(a) **To note the current status of the publication, including the progress made in the preparation of *Repertory* studies and in their posting on the Internet in three languages (English, French and Spanish);**

(b) **To consider the recommendation of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, as referred to in paragraph 68 of the Committee's 2005 report[1] concerning voluntary contributions to the Trust Fund: the sponsoring, on a voluntary basis, and with no cost to the United Nations, of associate experts to assist in the preparation of the studies; and the enhanced cooperation with academic institutions and the use of the internship programme for the preparation of studies.**

III. *Repertoire of the Practice of the Security Council*

A. Preparation

15. Fifty years ago, the General Assembly gave the Secretary-General a mandate to produce a *Repertoire of the Practice of the Security Council*. From its inception, the *Repertoire* has provided a record of Security Council procedure, practice and constitutional questions in prior years. The Assembly has continued to support the production of the *Repertoire* since that time. Within the limit of the resources available to it, the Secretariat is directing its efforts at producing the *Repertoire* in the most expeditious manner consistent with accuracy and balance, taking advantage of growing technological possibilities.

16. In line with the "two-track" approach endorsed by the General Assembly in its resolution 58/248 of 23 December 2003, drafting of the twelfth Supplement (covering the period 1993-1995) is proceeding concurrently with that of a contemporary, streamlined Millennium Supplement (covering the period 2000-2003).

17. In the case of the twelfth Supplement, the target date for completion remains the end of 2005. For the Millennium Supplement, the aim is to complete the chapters dealing with developments in Security Council procedure by that time as well.

18. Work also continues on covering the remaining gap period of 1996-1999, and will pick up further pace once the twelfth Supplement has been completed.

B. Availability of *Repertoire* chapters on the Internet

19. The *Repertoire* website (www.un.org/depts/dpa/repertoire) continues to be well-utilized, as evidenced by the feedback received from users. As requested by Member States, the Secretariat is upgrading the website to enhance the search capabilities. In addition, to allow access to current information without the lengthy delays involved in preparation for external publication, the Secretariat is posting finalized chapters of the *Repertoire* in an "advance version" as early as possible.

C. Resources

20. The preparation and production of the *Repertoire* would not have been possible without the continued support of the General Assembly. Voluntary contributions to the Trust Fund for the Updating of the *Repertoire* remain, however, an important element in respect of sustaining progress in a situation of financial constraint. Since the last report, Greece has made a further contribution to the Trust Fund. In addition, Germany and Italy have offered support for associate expert positions in the relevant Branch of the Secretariat.

D. Conclusions

21. **With respect to the *Repertoire*, in the light of the above, the General Assembly may wish to:**

(a) **Note the progress made towards updating the *Repertoire*;**

(b) **Encourage contributions to the Trust Fund for the Updating of the *Repertoire*, and note with appreciation the further contribution made by Greece to the Fund;**

(c) **Note with appreciation the support of Germany and Italy for associate experts and encourage other Member States to consider providing such assistance.**

Annex II

Secretariat units responsible for the coordination of the preparation of *Repertory* volumes*

Repertory Volume		*Department*
I.	(Articles 1 to 8)	Office of Legal Affairs
II.	(Articles 9 to 22)	Department for General Assembly and Conference Management
III.	(Articles 23 to 54, 106 and 107)	Department of Political Affairs
IV.	(Articles 55 to 72)	Department of Economic and Social Affairs
V.	(Articles 73 to 91)	Department of Political Affairs
VI.	(Articles 92 to 105 and 108 to 111)	Office of Legal Affairs
Index		Department of Public Information (Dag Hammarskjöld Library)

* This distribution is the result of several decisions of the Interdepartmental Committee on Charter Repertory in various points in time since 1996 and subject to current review by the Committee.